

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

SMART VENT PRODUCTS, INC.,

Plaintiff,

v.

CRAWL SPACE DOOR SYSTEM, INC.,
D/B/A CRAWL SPACE DOOR SYSTEMS,
INC.,

Defendant.

HONORABLE JEROME B. SIMANDLE

Civil Action No.
13-5691 (JBS/KMW)

ORDER

This matter comes before the Court by way of Defendant Crawl Space Door System, Inc.'s (hereinafter, "Defendant") motion for judgment on the pleadings [see Docket Item 72], and Plaintiff Smart Vent Products, Inc.'s (hereinafter, "Plaintiff") motion for injunctive relief [see Docket Item 77]; and the Court having considered the parties' submissions; and for the reasons explained in the Opinion of today's date; and for good cause shown;

IT IS this 15th day of August, 2016, hereby

ORDERED that Defendant's motion for judgment on the pleadings [Docket Item 72] shall be, and hereby is, **GRANTED** to the extent it concerns Plaintiff's allegations of FEMA and NFIP Compliance and patent protection, and **DENIED** to the extent it concerns Plaintiff's allegations of TB-1 Compliance and the trademark-related issues; and it is further

ORDERED that Smart Vent's unfair competition claims shall be, and hereby are, **DISMISSED WITH PREJUDICE** to the extent they concern allegations of FEMA and NFIP compliance, and **DISMISSED WITHOUT PREJUDICE** to the extent they concern allegations of patent protection; and it is further

ORDERED that Smart Vent may, if desired, amend its unfair competition claims to the extent they concern allegations of patent protection within **fourteen (14) days** from entry of this Order, and to the extent such amendment can be made consistent with the Court's Opinion of today's date and counsel's obligation under Federal Rule of Civil Procedure 11; and it is further

ORDERED that Plaintiff's motion for preliminary injunctive relief [Docket Item 77] shall be, and hereby is, **DENIED**.

s/ Jerome B. Simandle
JEROME B. SIMANDLE
Chief U.S. District Judge